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June 8, 2020

VIA EMAIL

Robert Osborn
Director, Communications Division
Public Utilities Commission
505 Van Ness Avenue, Third Floor
San Francisco, CA 94102-3298

Re: Resubmission of Challenge of California Internet, L.P. dba GeoLinks (U-7326-C) to
Certain California Advanced Services Fund Infrastructure Grant Applications

Dear Mr. Osborn,

On May 26, 2020, California Internet, L.P. dba GeoLinks (“GeoLinks” or the “Company”) timely filed challenges to certain California Advanced Services Fund (“CASF”) applications (“Applications”). On June 1, 2020, GeoLinks received an email from the Commission’s Communications Division staff (“Staff”) asking that GeoLinks resubmit its challenge. Specifically, Staff asked GeoLinks to provide the following information:

- The specific census blocks that are being challenged.
- The geographic location of all households it serves in the challenged area(s). This information must be provided in a plain-text, comma-separated values (CSV) file, that contains geo-located street address information, including latitude and longitude coordinates.
- Customer billing from one subscriber in each census block of the challenge indicating that the customer received served speeds at least one day prior to the application filing. Additionally, the billing statement must contain sufficient information so that Staff can verify it with the customer.
- An attestation that the households identified above are offered service and have the capability to receive minimum speeds of 6 Mbps download and 1 Mbps upload.

While GeoLinks understands that under the program rules, the above information is required when a party “challenges a proposed area or CBG as already served or not Underserved,”¹ the Company’s challenge does not pertain to the served or un/underserved status of the areas in question. Instead, GeoLinks’ challenge hinges on statutory legal restrictions against allowing CASF Broadband Infrastructure Grant Account funding in areas where the costs of broadband infrastructure are already funded by federal public program funds – essentially, a prohibition against double funding. Because there are no other mechanisms, at least so far as GeoLinks is

¹ Broadband Infrastructure Account Requirements, Guidelines and Application Materials, at page 24.

aware, to contest the prospect of CASF dollars funding Applications for areas in which infrastructure is already receiving federal funding, GeoLinks resubmits its challenge and further explains its position below.

Section 281(f)(12) Prohibits CASF Funding in Areas Receiving Federal Funding

As explained in GeoLinks' initial challenge, Section 281(f)(12) of the Public Utilities Code makes clear that "a grant from the Broadband Infrastructure Grant Account *shall not include funding for costs of broadband infrastructure already funded by the Connect America Fund program* or other similar federal public program that funds that infrastructure."² GeoLinks was awarded Connect America Fund ("CAF") auction funding for 3,707 Census Blocks throughout California. Based on the language of Section 281(f)(12), GeoLinks asserts that CASF funding cannot be awarded in the areas for which GeoLinks is receiving CAF funding because it may result in the CASF Broadband Infrastructure Grant Account funding costs of "broadband infrastructure already funded by the Connect America Fund program."

Notably, Section 281(f)(12) does not require that CAF-funded broadband infrastructure be *completed*, simply that it be *funded*. GeoLinks began receiving CAF funding in July of 2019. To date, the Company has expended CAF funding to engage in the necessary planning and engineering required to complete buildout in all of its 3,707 CAF awarded Census Blocks. While GeoLinks has not yet completed the rollout of its CAF-funded infrastructure to these areas, this infrastructure has been *funded*, and will continue to be funded over the next nine years. Therefore, Section 281(f)(12) prohibits CASF Broadband Infrastructure Grant Account funding in CAF areas for already funded broadband infrastructure.

Moreover, GeoLinks plans to have a majority of its CAF buildout completed in the next one to two years. Because CASF-funded projects must be completed within 12-24 months "after receiving authorization to construct," it is likely that GeoLinks could have its CAF buildout completed, or at least well underway, in an area before any double-funded CASF awardee. This is clearly the type of overbuilding that was meant to be avoided under Section 281(f)(12).

GeoLinks' Challenge is to Certain Frontier California and Plumas-Sierra Telecom Applications

As set forth in its initial May 26th challenge, GeoLinks has identified overlap of its FCC CAF award areas in a number of CASF Applications. As explained above, because GeoLinks has begun receiving CAF award funding for its CAF award areas, Section 281(f)(12) prohibits CASF Broadband Infrastructure Grant Account grant funding to these same areas.

GeoLinks has identified overlap of its CAF award areas in the following CASF Applications:

Frontier California Inc. (U-1002-C):

- Cuyama, Maricopa, Santa Maria and Orcutt FTTP Project
- Lake Isabella/Weldon FTTP Project
- Northeast Project: Phase II

² Emphasis added.

Plumas-Sierra Telecommunications (U-7218-C):

- PST Southern Lassen Mid-Mile / Last-Mile Broadband Project
- PST Scott Road Mid-Mile / Last-Mile Broadband Project

Below is a list of the census blocks that are contained in the above projects for which GeoLinks has been awarded CAF funding:

060290052012078	060350406003165	060350406003268
060290052012096	060350406003166	060350406003271
060350403031077	060350406003169	060350406003274
060350404001009	060350406003170	060790127021864
060350404001015	060350406003208	061030001001234
060350404001018	060350406003210	061030001001246
060350404001020	060350406003222	061030001001247
060350404001024	060350406003243	061030001001394
060350404001046	060350406003247	061030001001440
060350404001059	060350406003248	061030001001442
060350404001076	060350406003249	061030001001711
060350404001124	060350406003251	061030001001717
060350406003142	060350406003254	061030001001764
060350406003161	060350406003255	061030001001765
060350406003162	060350406003256	
060350406003164	060350406003257	

While GeoLinks has been able to identify the above listed overlapping CAF award areas, GeoLinks asserts that this may not be an exhaustive list. There may be CAF award areas contained in other CASF project applications that GeoLinks was not able to identify. As such, GeoLinks urges the Commission to exclude any CAF award areas from any CASF Broadband Infrastructure Grant Account Application pursuant to Section 281(f)(12).

If you have any questions, please contact the undersigned counsel at mslawson@geolinks.com or (888) 225-1571 ext. 8152. Thank you for your attention to this matter.

Sincerely,



Melissa Slawson
General Counsel/
V.P. of Government Affairs and Education
GeoLinks

cc:
CASF_Application_Questions@cpuc.ca.gov
CASF Distribution List

